

Board of Chiropractic Examiners

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**BOARD OF CHIROPRACTIC EXAMINERS
MEETING MINUTES****Scope of Practice Committee****April 30, 2009****2525 Natomas Park Drive, Suite 120
Sacramento, CA 95833****Committee Members Present**

Hugh Lubkin, D.C., Chair
Frederick Lerner, D.C.

Staff Present

Brian Stiger, Executive Officer
Linda Shaw, Licensing/CE Manager
Anita Scuri, Legal Counsel
April Alameda, Associate Analyst
Valerie James, Office Technician

Call to Order

Dr. Lubkin called the meeting to order at 10:10 a.m.

Roll Call

Dr. Lerner called the roll. All committee members were present.

Approval of November 18, 2008 Minutes

MOTION: DR. LUBKIN MOVED TO APPROVE THE MINUTES.

SECOND: DR. LERNER SECONDED THE MOTION.

VOTE: 2-0

MOTION CARRIED.

**Issues Raised in "Petition to Define Practice Rights and to Amend, Repeal and/or Adopt
Scope of Practice Regulations as Needed," Submitted by David Prescott, Attorney**

Anita Scuri, Legal Counsel, reviewed the petition and letter from the perspective of the rulemaking process and what the Board is required to do in response to this petition. Government Code Section 11340.6 and 11340.7 require the Board to make a decision of denying in whole or part or granting in whole or part this petition. The written decision must be submitted to the Office of Administrative Law and the law specifies what needs to be included in the decision including the reason for the Board's determination. There is not a mandatory timeframe for submitting a decision. The mandatory timeframe comes with conducting hearings within 30 days which the Board has complied. The Board has the following options to consider: the Board could table this and ask Legal Counsel for an analysis; the Board could deny it at this time based on the lack of the evidence of the need for these changes with the thought that it would not preclude the Board to determine if the changes would be needed in the future; or the Board could transit and move forward.

Dr. Lerner stated that the Board's first step is to determine and/or locate the true 1922 Chiropractic Initiative Act. Dr. Lerner believes we have the final version and were going to file it with the Secretary of State's office but they need to make sure it is the true final version.

Dr. Lerner, Dr. Lubkin and Ms. Scuri discussed and reviewed the document of the 1922 Chiropractic Initiative Act that was provided by David Prescott and in the packet.

MOTION: DR. LERNER MOVED TO HAVE STAFF VERIFY THAT THE SECRETARY OF STATE DOES NOT HAVE THE ORIGINAL OF THE 1922 CHIROPRACTIC INITIATIVE ACT AND IF THAT IS THE CASE, THE BOARD WILL SEND THE LATEST GOOGLE COPY THAT WE HAVE TO THE SECRETARY OF STATE FOR ARCHIVE PURPOSES.

SECOND: DR. LUBKIN SECONDED THE MOTION.

VOTE: 2-0

MOTION CARRIED.

Public Comment

Dr. Keppler came forward and indicated that he came in late and asked for a brief summary of the discussion of the 1922 Chiropractic Initiative Act. Dr. Keppler stated that the Act has served as an excellent point to practice as a chiropractor and has served its purpose well.

Future Agenda Items

Dr. Lerner would like to proceed in addressing this petition if in fact this version of the Act is the true version.

Adjournment

MOTION: DR. LUBKIN MOVED ADJOURN THE MEETING.

SECOND: DR. LERNER SECONDED THE MOTION.

VOTE: 2-0

MOTION CARRIED.

Dr. Lubkin adjourned the meeting at 10:50 p.m.